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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,766	10/21/2003	Thomas Dogel	4452-584	4532

27799 7590 11/24/2004

COHEN, PONTANI, LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

EXAMINER

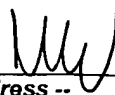
LORENCE, RICHARD M

ART UNIT PAPER NUMBER

3681

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/689,766	Applicant(s) DOGEL ET AL.	
	Examiner Richard M. Lorence	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first Office action on the merits of Application No. 10/689,766 filed on October 21, 2003. Claims 1-7 are currently pending.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

The drawings were received on February 27, 2004. These drawings are not acceptable due to the following informalities:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 1 the reference character "64" has been used to designate both the housing region and the supporting arrangement described at line 10 of paragraph [0032].

The drawings are further objected to because in Figure 6 the lead lines associated with the reference numerals 26, 28, 34 and 40 have been omitted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

In line 7 of paragraph [0049] after "Alternatively," - - as illustrated in Fig. 12 - - should be inserted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beneton et al. '118 in view of Weiss et al. '047.

Beneton et al. discloses a torque transmission arrangement which as seen in Figure 2 includes a torsional vibration damper 154 comprising a primary side 155, 157 for fixing to a drive member 151, and a secondary side 160 rotatable about the axis of rotation of the shaft 151; a double clutch arrangement 150 coupled to the secondary side and having a first clutch region 171 for selective torque transmission to a first output member 152 and a second clutch region 172 for selective torque transmission to a second output member 153. Beneton et al. does not disclose a selectively activatable rotary state influencing arrangement for limiting rotational movement of the second side of the damper with respect to one of the primary side of the damper or an essentially non-rotatable subassembly.

Weiss shows a torque transmission arrangement including a torque transmitting arrangement which as seen in Figures 1 and 2 includes a torsional vibration damper 13 comprising a primary side 2, 7 for fixing to a drive member 4, and a secondary side 17 rotatable about the axis of rotation 9; a clutch arrangement 24, 32, 37 and a selectively activatable rotary state influencing arrangement 50 for limiting rotational movement of the second side of the damper with respect to one of the primary side of the damper.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the torque transmission arrangement of Beneton et al.

with a selectively activatable rotary state influencing arrangement in view of the suggestion of Weiss et al. in order to permit the suppression of torsional vibrations when the system passes through a resonant frequency, as discussed at column 5, lines 39-62.

With respect to claim 2 note that Beneton shows the first pressure plate 179, abutment region 162, first clutch disk 173, second pressure plate 180, abutment region 177, second clutch disk 174, first actuating system 204, 199, 188 and second actuating system 205, 200, 194. With respect to claim 3 note that in the embodiment of Figure 2 in Weiss et al. the rotary state influencing arrangement is actuated by the actuating system 35, 55 of the friction clutch via elements 43, 45.

Regarding claim 4 note the paragraph bridging columns 13 and 14 in Weiss et al.

Regarding claim 5 note that in Beneton the force application arrangement 188 is located on a side of the abutment 162 opposite pressure plate 179, and further includes the actuating force transmission arrangement 192. In the device of Beneton et al. as modified by Weiss et al., the force application arrangement 188 would interact with the primary side 155, 157 of the torsional vibration damper.

Regarding claims 6 and 7 note the further embodiment shown in Figure 3 of Weiss et al. which comprises the actuator region 132 and force transmission member 45.


***Prior Art Citation***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner further cites Fukushima '225, Duclos '475, Rohs et al. '962 and Kroll et al. '391 which disclose torsional vibration dampers including means for influencing the damping.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (703) 308-3062. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Richard M. Lorence  
Primary Examiner  
Art Unit 3681

Lorence/rml